

Remark

Applicant respectfully requests reconsideration of this application. No claims have been amended. Therefore, claims 1-46 are present for examination.

Double Patenting

The Examiner has rejected claim 1-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,411,277 B1. Applicant notes that this is a provisional rejection. Applicant will submit a terminal disclaimer upon the indication of allowable subject matter.

35 U.S.C. §102 Rejection

Autry et al.

The Examiner has rejected claims 24-33 under 35 U.S.C. §102 (e) as being anticipated by Autry et al., U.S. Patent No. 5,724,106 ("Autry"). Applicants have carefully reviewed the reference and find no suggestion of a "a sensor unit that generates an active signal... independent of the selection of any position direction, any command, and any option." The examiner refers to item 1010, but this is a touchpad used to move a cursor 12:46 et seq. The selection button 912 is used to select functions e.g. generate a command 11:47. The same is true of the trigger 913 and selection keys 1030, 1032 12 44. The trackball 910, and joystick 911 are also used to move the cursor 11:34 et. seq. In the rejection of claims 29-32, the Examiner acknowledges the navigation controls to be for navigation and in the rejection of claim 33 acknowledges the selection controls to be selection controls. Applicant can find no suggestion in Autry that any of these devices generate signals independent of the selection of any position direction, any command, and any option. Accordingly,

Applicant respectfully requests that this rejection be withdrawn or that a suitable suggestion in the reference be specifically pointed out.

35 U.S.C. §103 Rejection

Autry in view of Heath

The Examiner has rejected claims 1-23 under 35 U.S.C. §103 (a) as being unpatentable over Autry in view of Heath et al., U.S. Patent no. 4,760,386 (Heath"). Heath describes software to hide a mouse pointer in response to a keystroke and to show the mouse pointer after a timer expires (or when the mouse is moved). Claim 1 recites, inter alia, "display a pointer on the display device in response to an active signal received from the wireless communications interface, the active signal being independent of any position direction and any option selection." Even assuming a wireless mouse (not available in 1986), the mouse has only two types of signals a position direction signal and an option selection signal.

Applicant is unable to find any suggestion of an active signal received from any remote device other than the mouse signals. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. §103 Rejection

Autry in view of Hinckley

The Examiner has rejected claims 27 and 34-46 under 35 U.S.C. §103 (a) as being unpatentable over Autry in view of Hinckley et al., U.S. Patent No. 6,559,830 B1 ("Hinckley"). For this rejection, the Examiner relies on Hinckley only to show a pressure sensor. The limitations regarding an active signal are not shown in Hinckley and as mentioned above are also not shown in Autry. Accordingly, Applicant respectfully requests that this rejection also be withdrawn.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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